



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBs0234/1
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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2011 ASSEMBLY BILL 147**

October 25, 2011 – Offered by Representatives RICHARDS, POCAN, HEBL, SEIDEL,
KESSLER, C. TAYLOR and PASCH.

1 **AN ACT** *to create* 904.14 of the statutes; **relating to:** inadmissibility of a
2 statement of apology or condolence by a health care provider.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 904.14 of the statutes is created to read:

4 **904.14 Inadmissibility of statement by health care provider of apology**
5 **or condolence. (1)** In this section:

6 (a) “Health care provider” has the meaning given in s. 146.81 (1) and includes
7 an ambulatory surgery center.

8 (b) “Relative” has the meaning given in s. 106.50 (1m) (q).

9 **(2)** A statement, gesture, or the conduct of a health care provider or a health
10 care provider’s employee or agent, that expresses apology, benevolence, compassion,
11 condolence, remorse, or sympathy to a patient or to his or her relative or

1 representative is not admissible into evidence or subject to discovery in any civil
2 action or administrative hearing regarding the health care provider as evidence of
3 liability or as an admission against interest.

4 **SECTION 2. Initial applicability.**

5 (1) This act first applies to statements, gestures, or conduct that occur on the
6 effective date of this subsection.

7 (END)